

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL A. CAMPBELL,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-13-1187-R
)	
OKLAHOMA COUNTY DISTRICT)	
JUDGE VIRGIL BLACK, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Report and Recommendation entered by United States Magistrate Judge Gary Purcell. Doc. No. 9. Plaintiff Michael Campbell has timely filed his objections to this Report and Recommendation. Doc. No. 15. Upon de novo review of the record, the Court ADOPTS the Report and Recommendation. This case is DISMISSED.

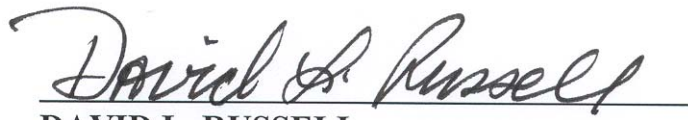
Plaintiff has filed this action pursuant to 42 U.S.C. § 1983 against a number of defendants. Specifically, Plaintiff has sued former Oklahoma County District Judge Virgil Black, Oklahoma County Assistant District Attorney Mike Fisher, the Oklahoma Board of Corrections, former Oklahoma Department of Corrections Director Justin Jones, Oklahoma Department of Corrections Sentence Administrators Jim Rabon and Kevin Moore, and “John Does.” As the Report and Recommendation correctly explains, Plaintiff cannot properly bring this § 1983 suit against any of these Defendants.

In his objections, Plaintiff attempts to essentially amend his Complaint, stating that the Court should construe this case as one brought under 28 U.S.C. § 1331 instead of

42 U.S.C. § 1983.¹ Moreover, Plaintiff asks the Court to drop from this case a number of the defendants Magistrate Judge Purcell identified as immune, and add to this case a number of new defendants. Plaintiff's attempt to amend his Complaint is not properly done in objections to a report and recommendation, and the Court will not oblige Plaintiff's requests. If Plaintiff wishes to attempt to bring suit against these new defendants pursuant to a different statutory provision, Plaintiff will have to start over and file a new suit.

For the reasons stated in the Report and Recommendation, Plaintiff cannot bring this suit under 42 U.S.C. § 1983 against the named Defendants. The Report and Recommendation is hereby ADOPTED, and Plaintiff's case is DISMISSED.

IT IS SO ORDERED this 27th day of March, 2014.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE

¹ Notably, in requesting this, Plaintiff does not even identify a provision of the Constitution, laws, or treaties of the United States under which this suit would properly arise.